

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for

San Timoteo Sanitary Landfill

SWIS No. 36-AA-0087

June 5, 2013

Background Information, Analysis, and Findings

This report was developed in response to the San Bernardino County, Department of Public Health, Division of Environmental Services (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for San Timoteo Sanitary Landfill, SWIS No. 36-AA-0087, located in San Bernardino County and owned/operated by County of San Bernardino. The contractor for daily operations is Burrtec, Incorporated. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on March 25, 2013. A new proposed permit was received on April 19, 2013. Action must be taken on this permit no later than June 18, 2013. If no action is taken by June 18, 2013, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Project

The following are key design parameters of the proposed project:

	Current SWFP (2002)	Proposed SWFP
Permitted Traffic Volume	1052 vehicle per day (vpd)	1092 vpd
Permitted Maximum Tonnage	1000 tons per day (tpd)	2000 tpd
Estimated Closure Date	2016	2043

Other changes include:

1. Update to the Monitoring and Reporting Program;
2. Update and/or delete the LEA permit conditions;
3. Update the Preliminary Closure Post-Closure Maintenance Plan Cost Estimates; and
4. Update the Joint Technical Document.

Key Issues

The proposed revised SWFP will allow for the following:

1. Increase in maximum permitted daily tonnage from 1,000 to 2,000 tons;
2. Increase maximum daily vehicles per day from 1,052 to 1,092; and

3. Increase remaining site life from 2016 to 2043 to reflect recalculations of remaining airspace.

Background

San Timoteo Sanitary Landfill is located at 31 Refuse Road, in Redlands. The existing site is owned and operated by the County of San Bernardino. The daily operations are contracted to and performed by Burrtec, Incorporated.

Findings

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated March 19, 2013, which was received by the Department on March 25, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on August 30, 2012. The LEA provided a copy to the Department on February 25, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on April 19, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on March 25, 2013, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated March 6, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their memorandums dated April 5, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The Engineering Support Branch staff in the Closure and Facility Engineering Unit found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is approved as described in their memorandum dated June 5, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685 (b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation in compliance as described in the memorandum dated May 29, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in the memorandum dated May 29, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on March 28, 2013. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on March 25, 2013, that the proposed permit is consistent with and supported by the existing CEQA documentation. See Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on February 28, 2013. No written or oral comments were received by LEA. See Public Comments below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on March 28, 2013, and found the facility to be in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2013 (January through April) – No violations noted.
- 2012 - One violation of 27 CCR Section 20700 – Intermediate Cover.
- 2011 - One violation of 27 CCR Section 20620 – Site Attendant.
- 2010 - One violation of 27 CCR Section 20921- Gas Monitoring and Control.
- 2008-2009 – No violations noted.

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs on it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Bernardino County, Department of Public Works - Solid Waste Management Division, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts, and mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: Increase the maximum permitted daily tonnage from 1,000 to 2,000 tons per day; Increase the maximum permitted daily vehicle per day from 1,052 to 1,092; Increase remaining site life from 2016 to 2043 to reflect recalculations of remaining airspace; update the Preliminary Closure Post-Closure Maintenance Plan Cost Estimates and the Joint Technical Document. These changes are supported by the following environmental document.

A Mitigated Negative Declaration (MND), State Clearinghouse No.2012111023, was circulated for a 30 day comment period from November 7, 2012 to December 7, 2012. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation, Monitoring and Reporting Program, was approved by the Lead Agency on February 12, 2013.

The San Bernardino County Department of Public Health, Division of Health Services (LEA), has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on February 28, 2013, at San Bernardino County Museum at 2024 Orange Tree Lane, Redlands, CA. No member of the public was in attendance. However, a local newspaper reporter with "The Press-Enterprise" was present. No oral or written comments were received by LEA during the public meeting.

On May 14, 2013, CalRecycle staff received a telephone call from the City of Redlands indicating the City was not provided the MND to review; and that they have concerns with the impacts from the increasing vehicle count and site life, and the \$1.00 per ton fee does not take into consideration the cost of living. CalRecycle staff was also informed that a letter was forthcoming which would provide the details of the City's concerns.

The Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on April 16, 2013 and May 21, 2013. No oral or written comments were received by Department staff during the public meeting.

On May 22, 2013, CalRecycle staff received another phone call from the City of Redlands again expressing their concerns, and again stating that a letter would be e-mailed to CalRecycle staff. As of the date of this report, CalRecycle staff has not received any written comments. For the record, CalRecycle notes that the window for challenging the adequacy of the MND expired 30 days after San Bernardino County, Department of Public Works - Solid Waste Management Division's approval of the project and its filing of a Notice of Determination on February 12, 2013. Under these circumstances, the MND is conclusively presumed to comply with CEQA for purposes of its use by CalRecycle (14 CCR Section 15231) and this agency is not required to consider or respond to further comments on the final document.